IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1545 of 2003

Between:

K.Neeraja Reddy, W/o K.Ramesh Reddy,
H.No. 2-1-103, Nallakunta, Hyderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Secretary Home Department, Rep. by the (G.P. Home High Court, Hyderabad) Secretariat, Hyderabad.
2 Y.Srinivas Rao, Son of Ramarao,
H.No. 23-25/2, Joyothinagar, R.C.Puram, Medak District.
3 M.Narsimha Reddy son of Late Laxma Reddy,
R/o.LIG 458, R.C. Puram, Medak District.
4 B.Ashok, son of Sattaiah,
R/o.Ameenpur, Patancheru, Medak District.
5 B.Pentaiah, son of Balaiah.
LIG 736, BHEL R.C. Puram , Medak District
6 S.H.O., R.C. Puram Police Satation, Medak.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Cr.No.277/2002 as illegal contrary to law and be pleased to quash the same.

Counsel for the Petitioner: MR.G.SRIKAR RAO

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2 : Mr.C.Ramachandra Rao

The Court made the following:

ORDER:

The petitioner is accused No.1 in Crime No.277/02 of P.S.Ramachandrapuram under Sections 406, 420, 463, 464, 465 and 467 read with Section 120-B of the Indian Penal Code, 1860 (I.P.C). The said crime was registered by the 6th respondent on an endorsement made by the Court of the Additional Judicial Magistrate of First Class, Sangareddy. In this writ petition the petitioner seeks a writ of Mandamus declaring Crime No.277/02 as illegal and arbitrary.

The second respondent herein lodged a private complaint on the file of the Court of the Additional Judicial Magistrate of First Class, Sangareddy, against the petitioner and respondent Nos.3 to 5 herein. He alleged that the premises bearing No.23-25/2 admeasuring 300 sq.yards originally belonged to the petitioner, who sold to one Narsimha Rao. The said Narsimha Rao in turn sold the property by a registered sale deed dated 29.04.2000 to the second respondent. Sometime in January 2002 the second respondent saw a notice displayed on the Notice Board of the Ramchandrapuram Panchayat inviting objections on an application for mutation of the property in favour of respondent Nos.4 and 5 herein. Therefore, he issued a legal notice dated 07.01.2002 and came to know that the petitioner and third respondent in collusion with respondent Nos.4 and 5 obtained an *ex parte* decree in O.S.No.24/98, dated 16.10.1998, on the file of the Court of the Senior Civil Judge, Sangareddy, and based on the same, filed an application before the Gram Panchayat showing the premises as if it is belonging to the petitioner. It was alleged that the petitioner having sold the property to Narsimha Rao from whom the second respondent purchased, had no right and therefore, she fraudulently cheated the complainant.

After perusing the complaint given by the second respondent, it becomes clear that the learned Judicial Magistrate was justified in taking cognizance of the case and directing the Police to investigate into the crime. On a reading of the complaint, it cannot be said the same does not disclose a cognizable offence as alleged. It is well settled that when the matter is at the stage of investigation, unless and until, the same results in miscarriage of justice, this Court cannot quash the complaint.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

15.06.2005

vs

To

1 The Secretary, State of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
2 The Station House Officer, R.C. Puram Police Satation, Medak.

3. 2 CCs to G.P. for Home, High Court Buildings, Hyderabad. (OUT)

4. 2 C.D. copies.